

MINUTES OF THE MEETING OF
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,
NAIL TECHNOLOGY, AND BODY ART

May 7, 2018

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Melanie Judkins, at 10:30 a.m., in Lower Level Conference Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

The following members answered roll call:

Vicki Criswell	-	Vice-Chair
Lyra Faltys	-	Member
Jacqueline Hornig	-	Member
Melanie Judkins	-	Chair
Marie Nordboe	-	Member
Becky Pettigrew	-	Member
Pamela Rowland	-	Member

Members Absent:

Bridget Anderson	-	Secretary
Sandra Christie	-	Member
Gloria Harper	-	Member
Ruth Lucas	-	Member

Others Present:

Ami Huff, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
Trevor Klaassen, Investigator
Mark Meyerson, Investigator
Anna Harrison, Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Faltys moved, seconded by Pettigrew, to adopt the agenda. A voice vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

3. APPROVAL OF MINUTES (3-5-18, 4-2-18 conference call)

MOTION: Pettigrew moved, seconded by Nordboe, to approve the minutes of 3-5-18. A roll call vote was taken. Voting aye: Criswell, Faltys, Horning, Nordboe, Pettigrew, Rowland (6). Voting nay: None (0). Abstain: Judkins (1). Absent: Anderson, Christie Harper, Lucas (4). Motion carried.

There was a correction to the spelling of the name Lemke in the 4-2-18 minutes.

MOTION: Pettigrew moved, seconded by Rowland, to approve the minutes of 4-2-18 as corrected. A roll call vote was taken. Voting aye: Criswell, Faltys, Horning, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Faltys moved, seconded by Criswell, to enter into closed session at 10:34 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Judkins repeated the motion purpose. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

11:11 a.m. - Meyerson and Klaassen departed meeting
11:27 a.m. - Criswell departed meeting (conflict)
11:32 a.m. - Criswell entered meeting
11:33 a.m. - Criswell departed meeting (conflict)
11:40 a.m. - Criswell entered meeting

MOTION: Faltys moved, seconded by Pettigrew, to return to open session at 11:52 a.m. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

11:52 a.m. - 2 public persons entered meeting

5. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

Leslie Graber – Tattoo Artist Applicant

MOTION: Pettigrew moved, seconded by Nordboe, to deny the license based on failure to provide information requested, conviction history, and failure to report six of seven convictions. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

Juan Calzada – Tattoo Artist Applicant

MOTION: Nordboe moved, seconded by Pettigrew, to defer a recommendation and request additional information. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

Jesse Ideker – Tattoo Artist Applicant

MOTION: Rowland moved, seconded by Faltys, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and complete the jurisprudence examination within 90 days of issuance of license. Motion based on failure to report convictions and conviction history. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (6). Voting nay: Pettigrew (1). Abstain: None (0). Absent: Anderson, Christie, Harper, Judkins (4). Motion carried.

Larissa Veatch – Esthetician Applicant

MOTION: Rowland moved, seconded by Faltys, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and complete the jurisprudence examination within 90 days of issuance of license. Motion based on failure to report three of four convictions and conviction history. A roll call vote was taken. Voting aye: Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (6). Voting nay: None (0). Abstain: Criswell (1). Absent: Anderson, Christie, Harper, Judkins (4). Motion carried.

Taryn Doyle – Esthetician Reinstatement

MOTION: Nordboe moved, seconded by Faltys, to recommend reinstatement of the license with no terms or conditions. A roll call vote was taken. Voting aye: Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (6). Voting nay: None (0). Abstain: Criswell (1). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

Michael Dvorak – Tattoo Artist

MOTION: Faltys moved, seconded by Nordboe, to defer for additional information. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

Lora Davis – Cosmetologist Reinstatement

MOTION: Faltys moved, seconded by Pettigrew, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and complete the jurisprudence examination within 90 days of issuance of license. Motion based on practice after expiration of license. A roll call vote was taken. Voting aye: Faltys, Criswell, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Christie, Harper, Judkins (4). Motion carried.

Stephanie Christenson – Esthetician Reinstatement following Discipline (early release)

MOTION: Nordboe moved, seconded by Hornig, to recommend reinstatement (early release) with no terms or conditions. Motion based on early completion of court probation and compliant with all terms and conditions of license probation. A roll call vote was taken. Voting aye: Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (7). Voting nay: Pettigrew (1). Abstain: None (0). Absent: Anderson, Christie, Harper, Lucas (4). Motion carried.

11:59 a.m. - Break
12:16 a.m. - Meeting resumed
Harrison departed meeting

6. UPDATES/REPORTS/STATISTICS

a. 2018 Legislation

LB 731: Changes for Cosmetology, Esthetics and Nail Technology

1. Removed/eliminated Cosmeticians and Guest Artist registration thought-out the statutes and exempts any person who only applies cosmetics from having to have a license/registration.
2. Added the licensing of mobile salons for cosmetology and nail technology (Effective 1-1-2019).
3. Cosmetology hours reduced from 2100 to 1800.
4. Cosmetology instructor hours reduced from 925 to 600.
5. Reduces the number of contracted students required for a new school for cosmetology from 15 to 10 (full-time or part-time); for an esthetic school at least 4 students (removed the max of 6); and made a few other minor changes relating to starting a new school for both cosmetology/esthetics and nails (requires a catalog/handbook/policies, removed entrance notification, education evaluation scale and schedule of proposed hours); changed guest teachers to guest educators in a school; removes the definitions of student classifications.
6. Removed the requirement that the manger of a school shares the responsibility for the daily operation of a school.
7. Changed the licensing requirements for nail technology via reciprocity by removing the option to count 12 months of practice in lieu of 300 hours of training; but now includes that for each month of full-time practice as a nail technician within the 5 years immediately prior to application shall be valued as = 100 hours towards the nail technician license.
8. For nail technician instructor added the inclusion of for each month of full-time practice as a nail technology instructor within the 5 years immediately prior to application shall be valued as = 100 hours towards the nail technology instructor license.
9. Changed the section on alcohol in salons to: The cosmetology or nail technology salon shall not knowingly permit its employees to use or consume intoxicating beverages upon its premises. This new language allows a salon to serve intoxicating beverages to clients if the salon desires to do so.

This bill is effective 7-18-2018 except where noted above.

Chiles commented she would be meeting with legal to talk about the reduction in hours. Hornig asked if the Department could issue a letter to schools on the new cosmetology school requirements and the schools meeting the requirements as they need to submit that to the Department of Education for students to get

financial aid. Chiles responded that after the regulation public hearings that should be possible. Chiles stated the Department is putting together a priority list of regulations and cosmetology had about 6 sets ahead of it.

LB 299: 1) Creates a committee of the Legislature that will review 20% of regulations each year and make a report. 2) Allows an individual to submit an application requesting the Board to review their convictions prior to making application for a license.

- b. Profession Updates: Body Art, Cosmetology, Electrology, Esthetics, Nail Technology, and Indoor Tanning

Body Art: Judkins asked about 2 tattoo conventions scheduled to be in Nebraska in August and November. Chiles responded one had met the establishment requirements but she did not know anything about another one. Judkins stated she had been working with an instructor at the Med Center on a grant regarding tattooing and human trafficking. She said there was a place in Atlanta that helps those who have been human trafficked to get the tattoos and scars removed. Judkins she has had more local groups contact her asking for her assistance in removing tattoos and scars of those human trafficked.

Cosmetology: No report.

Electrology: No report.

Esthetics: Criswell reported she gets lots of questions about micro-blading. Chiles reported the Derm Group was going to be getting back together. It is the Board's position that a tattoo artist or a permanent color technician can do micro-blading. Judkins commented that the definition for a tattoo artist and permanent color technician in terms of their scope was very similar and individuals question what is the difference. Chiles stated the words in the definitions could be further defined in regulations to try to make it clearer. To make any other change in scope would require a statute change.

Nail Technology: No report.

Indoor Tanning: Pettigrew reported there would be no national convention this year but there may be smaller regional events.

- c. National-Interstate Council of State Boards of Cosmetology

Faltys reported she attended the regional meeting in North Carolina and 16 states were represented. She reported there was talk of barber and cosmetology boards merging and 24 states have merged barber and cosmetology boards. They also discussed domestic violence regarding clients, human trafficking, and the amount of manpower required to develop examination questions.

- d. Disciplinary/Non-Disciplinary Action Report, Examinations, Renewals, Licensing Stats, and Administrative Penalties

Chiles reported the following examination results since January 1, 2018:

- Body Art jurisprudence – 2 pass
- Nail Technology – 19 pass, 14 fail
- Nail Technology Jurisprudence for probation – 2 pass
- Nail Technology Jurisprudence for CEU – 2 pass
- Cosmetology – 115 pass, 29 fail
- Esthetics – 37 pass, 9 fail
- Cosmetology Instructor – 3 pass
- Jurisprudence for probation – 1 pass, 1 fail
- Jurisprudence for Order – 4 pass, 2 fail
- Jurisprudence for CEU – 1 pass, 5 fail

Rowland asked Chiles to provide information on the date of graduation and school attended for nail technicians that take the examination.

7. ADJOURNMENT

Judkins declared the meeting adjourned at 1:20 p.m.

Respectfully submitted,

Bridget Anderson, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator